

**MEMORANDUM**

TO: District of Columbia Board of Zoning Adjustment

FROM: Arthur Jackson, Case Manager
Joel Lawson, Associate Director Development Review

DATE: March 5, 2013

SUBJECT: **BZA Case 18512** – request for special exception relief under § 223 to construct an addition to an existing row dwelling at 3014 P Street NW

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) supports **approval** of special exception relief pursuant to § 223 from:

- § 403 (maximum occupancy of 40% is allowed, 54.6% is proposed); and
- § 405 (minimum side yard setback of 8 feet is required, 3-4 feet is proposed).

Because the existing building is non-conforming to aspects of the Zoning Regulation, relief from § 2001.3 (a) and (b) (2) is required for the proposed addition to a non-conforming structure. However, if the relief requested above is approved then relief from § 2001.3 would no longer be required.

II. LOCATION AND SITE DESCRIPTION:

Address:	3014 P Street SE
Legal Description:	Square 1257, Lot 0841
Ward:	2E
Lot Characteristics:	A rectangular interior lot with an area of 2,940 square feet (0.07 acre) with no rear alley access (refer to Figure 2).
Zoning:	R-3 – semi-detached dwellings are allowed in this district
Existing Development:	According to the submitted plat the eastern wall of the existing two-story <i>semi-detached</i> masonry dwelling is constructed on the eastern boundary of the lot (refer to Figure 1). According to the 1998 Experian District of Columbia Assessment Directory, this dates from 1810. The rear yard is landscaped with large trees and surrounded by a gated wooden fence.
Historic District:	Georgetown
Adjacent Properties:	A variety of two- to three-story semi-detached and row dwellings.

III. PROJECT DESCRIPTION IN BRIEF

Applicant	Ronald J. Thomas, the owner of record.
Proposal:	To construct a rear addition that would convert the existing elevated deck into a screened porch. The proposed construction would also



	continue or increase existing nonconforming aspects of the dwelling and site: the 51.8%, occupancy which exceeds the allowable 40% would rise to 54.6%; and the addition side yard setback from the western boundary of 4 feet would be less than the required 8 feet. The existing dwelling sits 3 feet away from the western boundary. This request seeks to secure the listed relief by special exception. An addition that would continue or increase existing non-conforming aspects of the site and building also requires relief from §§ 2001.3 (a) and (b) (2).
Relief Sought:	§223 – special exception relief from Zoning Regulation standards for lot occupancy, side yard setback and for additions to a nonconforming structure.

IV. ZONING REQUIREMENTS

R-3 District	Regulation	Existing	Proposed ¹	Relief
Height (ft.) § 400	40 ft. max., 3 floors	28 feet, 2 fl.	28 feet, 2 fl.	None required
Lot Width (ft.) § 401	30 feet min.	30 feet	SAME	None required
Lot Area (sq. ft.) § 401	3,000 sq. ft. min.	2,940 sq. ft.	SAME	None required
Lot Occupancy § 403	40% max.	51.8%	54.6%	+ 14.6
Rear Yard (ft.) § 404	20 feet min.	36 feet	36 feet	None required
Side Yard (ft.) § 405	8 feet min.	3 feet	3-4 feet	-5 feet
Parking § 2101.1	1 space min.	None	SAME	None required

V. OP ANALYSIS

223 ZONING RELIEF FOR ADDITIONS TO ONE-FAMILY DWELLINGS OR FLATS (R-1) AND FOR NEW OR ENLARGED ACCESSORY STRUCTURES

223.1 An addition to a one-family dwelling or flat, in those Residence districts where a flat is permitted, or a new or enlarged accessory structure on the same lot as a one-family dwelling or flat, shall be permitted even though the addition or accessory structure does not comply with all of the requirements of §§ 401, 403, 404, 405, 406, and 2001.3 shall be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.

One-family semi-detached dwellings are permitted as a matter of right in R-3. Special exception relief under § 223 is required from the minimum side yard setback (§ 405), maximum allowable lot occupancy (§ 403) and for a nonconforming addition to a nonconforming structure.

223.2 The addition or accessory structure shall not have a substantially adverse affect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:

Figure 1



¹ Information provided by applicant.

- (a) *The light and air available to neighboring properties shall not be unduly affected;*

The proposed addition would extend and enclose the existing rear deck. Since the addition would not rise above the main floor level, it would not likely impact the air and light available to neighboring properties.

- (b) *The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;*

Views from inside the screened porch toward the rear yards of the abutting properties would be blocked by opaque privacy panels. As a result, the privacy of neighboring properties should not be unduly compromised.

- (c) *The addition or accessory structure, together with the original building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale and pattern of houses along the subject street frontage; and*

The proposed rear addition would not be visible from P Street and no rear alley abuts the property. As noted above the rear yard is landscaped with large trees and surrounded by tall wooden stockade fence.

Since the property is located in the Georgetown Historic District, the proposed construction is subject to review by the Old Georgetown Board of the Commission of Fine Arts. The Old Georgetown Board gave conceptual design approval of this proposal on December 7, 2012, and final permit approval during its meeting on February 7, 2013.

Accordingly, this proposal would not intrude on the character and scale of the surrounding neighborhood and historic district.

- (d) *In demonstrating compliance with paragraphs (a), (b) and (c) of this subsection, the applicant shall use graphical representations*

Figure 2



such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition or accessory structure to adjacent buildings and views from public ways.

The information provided in this submission was sufficient.

- 223.3 *The lot occupancy of all new and existing structures on the lot shall not exceed fifty percent (50%) in the R-1 and R-2 Districts or **seventy percent (70%)** in the **R-3, R-4, and R-5** Districts.*

The proposal would not exceed the maximum allowable 70% lot occupancy.

- 223.4 *The Board may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent and nearby properties.*

No special treatment is recommended.

- 223.5 *This section may not be used to permit the introduction or expansion of a nonconforming use as a special exception.*

No nonconforming use would be established under this proposal.

Based on the above analysis, the application meets the standards for special exception approval.

VI. AGENCY COMMENTS

No other agency comments have been added to the case record file.

VII. COMMUNITY COMMENTS

The applicant provided copies of emails from the owners of neighboring properties at 3014 and 3016 P Street expressing their support.

During its regular scheduled meeting on February 8, 2013, Advisory Neighborhood Commission (ANC) 2E voted unanimously to express no objection to this request.